

Summonses

Between Jesse Wilson's summonses of November 15, 1984, and July 22, 1986.

48p

V I R G I N I A :

COMMISSIONER OF ACCOUNTS
CIRCUIT COURT OF FAIRFAX COUNTY

RE: Harold A. O'Connell Estate
FIDUCIARY NO: 21840

QUALIFICATION DATE: June 18, 1975

SUMMONS

TO THE SHERIFF OF Fairfax Co.
STATE OF VIRGINIA, GREETINGS:

WHEREAS,

Jean M. O'Connell
6541 Franconia Road
Springfield, VA

qualified on the above date as fiduciary of the above-referenced matter and has failed to make certain filings with the Commissioner of Accounts as required by law as more particularly set forth below;

THEREFORE, you are hereby directed to summons said fiduciary to present before me, within thirty (30) days from the date of the service of this summons, the following:

A proper Accounting accompanied by the required fee and vouchers.

GIVEN under my hand in Fairfax County, Virginia, this
15th day of November, 1977.

Jean M. O'Connell
(Deputy) Commissioner of Accounts

NOTICE TO THE FIDUCIARY:

The fee for this summons is \$25. Checks should be made payable to "Commissioner of Accounts". This fee is chargeable to the Fiduciary and not the Estate.

False Lost Account

Dated 1/3/85 removes Philip Shalloway

IN THE CIRCUIT COURT OF FAIRFAX COUNTY, VIRGINIA

ESTATE OF HAROLD M. O'CONNELL

PAGE 3

SECOND ACCOUNT OF JEAN M. O'CONNELL, EXECUTRIX
COVERING PERIOD FROM MAY 26, 1977 TO DECEMBER 31, 1980

Description	Assets received or on hand	Disbursements
<u>DISTRIBUTION OF PERSONAL PROPERTY TO WIFE</u>		\$ 500.00
<u>ASSETS REMAINING AT DECEMBER 31, 1980:</u>		
One-half interest in residence and 3.3365 acres at 6541 Franconia Road, Springfield, Virginia		40,681.00
One-half interest in 15 acres of unimproved land, Accotink Station, Fairfax, Virginia		37,500.00
254 shares, New Virginia Bancorporation		1,952.50
Washington-Lee Savings & Loan Association - Certificate		3,852.08
Due to Jean M. O'Connell for net advances		(3,050.27)
<u>TOTAL</u>	<u>\$99,726.25</u> ✓	<u>\$99,726.25</u> ✓

Respectfully submitted,

Jean M. O'Connell
Jean M. O'Connell, Executrix
(WIFE OF DECEDENT)
RMC

April 10, 1981
Date

State of Virginia
County of Fairfax, to-wit:
I, Robert J. McCandlish, Jr., Commissioner of Accounts
for Fairfax County, Virginia, do hereby certify that I have
this day stated the foregoing account, after having given
the notice required by law, and have approved the same.
Vouchers for said disbursements were submitted therewith.
Given under my hand this 11th day of June
19 81.

Robert J. McCandlish, Jr.
Commissioner of Accounts
as aforesaid

I, JAMES E. HOOTNAGLE, Clerk of the Circuit Court
of Fairfax County, Virginia, do hereby certify that the
foregoing Account of Jean M. O'Connell, Executrix of the
Estate of Harold M. O'Connell, has been filed for record
and that the same has been duly entered on the records
of the Court and that the same is a true and correct
copy of the original as filed with me.
Witness my hand and the Seal of the Court at Fairfax,
Virginia, this 11th day of June, 1981.

26-81
By: *James E. Hootnagle*
Deputy Clerk

IN THE CIRCUIT COURT OF FAIRFAX COUNTY, VIRGINIA

ESTATE OF HAROLD M. O'CONNELL

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Respectfully submitted,

S

Jean M. O'Connell, Executrix

1/3/85
Date

IN THE CIRCUIT COURT OF FAIRFAX COUNTY, VIRGINIA

ESTATE OF HAROLD M. O'CONNELL

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Respectfully submitted,

Jean M. O'Connell

Jean M. O'Connell, Executrix

Jan. 3, 1985
Date

PLEASE BE SURE TO RECORD CHANGES THAT AFFECT YOUR ACCOUNT		SUBTRACTIONS		ADDITIONS		BALANCE FORWARD	
ITEM NO OR TRANSACTION	DATE	DESCRIPTION OF TRANSACTION	AMOUNT OF PAYMENT OR WITHDRAWAL (+)	✓	OTHER DEDUCT	AMOUNT OF DEPOSIT OR INTEREST (+)	
		TO Howard	20	✓			875 95
707	12/24						875
							850 95
708	12/24	TO John (4665)	20	✓			35
							825 95
709	12/26	TO Cash (New Haven for 22)	100	✓			100
							725 95
710	12/29	TO Reckin 29.10 Central Fidelity	179 41	✓			179 41
		Marshall 105.8 Spiegel 445					546 54
679	1/30	TO Central Fidelity	525 50	✓			525 50
		FOR Hilton TV & Marshall					25 04
711	12/31	TO Annuity -350	150	✓		1466 28	1466 28
		FOR Car					33 32

712	1/2/80	TO Vapco	102 44	✓			102 44
		FOR					234 88
713	1/2/80	TO A P Woodson Co.	117 06	✓			117 06
		FOR					117 82
714	1/2/80	TO Wash Post	17 20	✓			17 20
		FOR 12/24 - 12/17					100 62
714	1/2/80	TO Insurance in annuity	63 10	✓			63 10
		FOR 10-27-58 from 1400					16 12
715	1/2/80	TO Comm of Accts	35	✓			
		FOR Vold					
716	1/2/80	TO Council of Bldg of Wash	46	✓			46
		FOR Judge S. N. A. Symposium					
	1/10/80	TO Roth Carpet	1000	✓			1000
		FOR					

ITEM NO OR TRANSACTION	DATE	DESCRIPTION OF TRANSACTION	OR WITHDRAWAL (+)	✓	OTHER DEDUCT	AMOUNT OF DEPOSIT OR INTEREST (+)	
717	1/10/80	TO Am. Canadian Luce	1392 00	✓			1392
		Virgin Islands 3/1					725 72
718	1/14/80	TO N. C. Kader Jr	20	✓			20
		B-day					705 72
719		TO Interstat Gen Sav	49	✓			49
		FOR rings repaired					656 72
720	1/21	TO Pioneer Mobile	20	✓			20
		FOR change flat tire					636 72
720		TO Vold					
722		TO Duo - Landscape Des	5 00	✓			5
		FOR					631 72

	1/22	TO Safe Deposit Box Chg	40 00	✓			40
		FOR					591 72
723	1/23	TO Bk of Va dividend				49 50	49 50
		FOR					541 22
723	1/23	TO Cash	100	✓			100
		FOR					541 22
724	1/23	TO Com of Accts	35	✓			35
		FOR 12/23 for estate					
		FOR 12/23 for estate	547 50	✓			547 50
676	1/23	TO accostink					
		FOR					
	1/26	TO Perp	114	✓		1000	1000
		FOR					547 50
725	1/26	TO Central Fidelity	101 38	✓			101 38
		FOR Bonambuli 15 per 1/16/38					

False Final Account

The false final two page account to Jean O'Connell on January 23, 1985, becomes the one page third account hand carried to the Court and filed on January 23, 1985, and recorded at Bk380p1452

ESTATE OF HAROLD M. O'CONNELL

THIRD ACCOUNT OF JEAN M. O'CONNELL, EXECUTRIX
FOR THE PERIOD JANUARY 1, 1981 TO DECEMBER 31, 1984

	<u>Receipts</u>	<u>Disbursements</u>
ASSETS REMAINING ON HAND AT DECEMBER 31, 1980 PER SECOND ACCOUNT		
One-half interest in residence and 3.3365 acres of 6541 Franconia Road, Springfield, Virginia	\$40,681.00	
One-half interest in 15 acres of unimproved land, Accotink Station, Fairfax, Virginia	37,500.00	
254 shares, New Virginia Bancorporation	1,952.50	
Certificate of deposit - Washington-Lee Savings and Loan Association	3,852.08	
Due to Jean M. O'Connell for net advances	(3,050.27)	
	<u>\$80,935.31</u>	

RECEIPTS:

<u>Dividends, New Virginia Bancorporation:</u>		
1/15/81	\$ 32.34	
4/15/81	32.34	
7/15/81	37.24	
10/15/81	37.24	
1/15/82	37.24	
4/15/82	37.24	
7/15/82	<u>37.24</u>	250.88
<u>Stock dividend - New Virginia Bancorporation:</u>		
5% - 12 shares received -		
Cash for fraction		8.12
<u>Sale of 266 shares New Virginia Bancorporation:</u>		
Proceeds at redemption @ \$20/share	\$5,320.00	
Less inventory value	<u>1,952.50</u>	3,367.50
<u>Interest, Washington-Lee Savings and Loan Association:</u>		
1981 - Matured 9/19/81		215.26

TAXES PAID BY WIFE:

1981 real estate tax	\$1,458.21	
1982 real estate tax	1,770.73	
1983 real estate tax	1,770.72	
1984 real estate tax	2,023.93	
Second account filing fee 5/15/81	23.00	
Preparation of second account	<u>325.00</u>	7,371.59

AMOUNTS PAID TO WIFE:

New Virginia Bancorporation - dividends	\$ 250.88	
Sale of fractional share	8.12	
Proceeds of sale of stock of New Virginia Bancorporation	5,320.00	
Proceeds of certificate of deposit at maturity	<u>4,067.34</u>	9,646.34
		9,646.34

ASSETS REMAINING AT DECEMBER 31, 1984:

One-half interest in residence and 3.3365 acres at 6541 Franconia Road, Springfield, Virginia		40,681.00
One-half interest in 15 acres of unimproved land, Accotink Station, Fairfax, Virginia		37,500.00
Due to Jean M. O'Connell for net advances		<u>(775.52)</u>
	<u>\$94,423.41</u>	<u>\$94,423.41</u>

Respectfully submitted,

Jean M. O'Connell, Executrix

*Copy
of account delivered by hand
to Office of Commissioner
of Accounts Jan. 23, 1985
for audit.*

ESTATE OF HAROLD M. O'CONNELL

COMPUTATION OF PERCENTAGE INTEREST IN TRUST

PROBATE ASSETS:

1/2 interest - residence	\$ 40,681
1/2 interest - Accotink	37,500
605 shares, Washington Mutual	6,709
220 shares, New Virginia	1,953
Refund	5
Overpayment of Virginia tax	57
Cash	3,245
	<u>\$ 90,150</u>

PAYABLE TO WIFE DIRECTLY:

Cash POD	\$ 16,541
Life insurance	14,918
Jointly owned property	13,902
Personal property	500
U. S. Civil Service	1,381
Annuity	16,338
	<u>\$ 63,580</u>

Gross estate per return	\$153,986
Funeral expenses, etc., per return	5,372
Net estate	<u>\$148,614</u>
Federal estate and Virginia inheritance tax	2,225
Net estate	<u>\$146,389</u>
Less property passing directly	63,580
Net probate estate	<u>\$ 82,809</u>
Marital deduction	\$74,307
Less passing directly	<u>63,580</u>

(12.95% wife's share) 10,727

(87.05% Trust share) \$ 72,082

Residuary estate

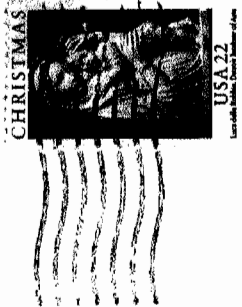
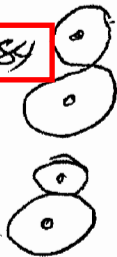
○ Retain this copy for your Records.

*From Edward White -
The final filing for HAO'C.
Estate*

Retain this copy for your Records.

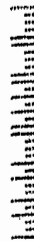
From Edward White -
The serial filing for HAO'C
Estate

84



Mrs. M. O'CONNELL
17TH THIRTIETH STREET
UIS, MISSOURI 63104

Mrs. Jean O'Connell
6541 Franconia Road
Springfield, Virginia 22150



836-5444

what is on estate
filing if 42-31-
not good.

He will call me back
I see if he has
estate filing.
I will call Joanne

Robert
McCandlish



ROBERT J. McCANDLISH, JR.
COMMISSIONER OF ACCOUNTS

COMMISSIONER'S OFFICE

CIRCUIT COURT OF FAIRFAX COUNTY

4069 CHAIN BRIDGE ROAD

TELEPHONE 385-0268

FAIRFAX, VIRGINIA 22030



JESSE B. WILSON, III
DEPUTY COMMISSIONER OF ACCOUNTS

May 8, 1985

Mrs. Jean M. O'Connell
6541 Franconia Road
Springfield, VA 22150

Re: Estate of Harold A. O'Connell

Dear Mrs. O'Connell:

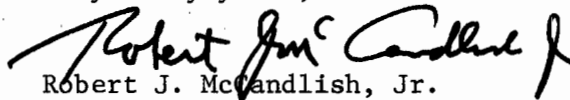
According to the inventory filed for the above estate the gross value was \$90,650.27 and under the terms of the will one-half of the estate goes to you as the "Marital Share" (one-half being the amount allowed the wife without estate tax by IRS) and the balance goes to the "Residuary Estate" which shall be held in trust by Anthony M. O'Connell, as Trustee, and the income paid to you and, in the sole discretion of the Trustee as to time and amount, the principal of the trust may be used for your support and maintenance.

This trust must be set up since we cannot ignore the will and at your death the balance in the trust goes to your three children or their issue. At this time, we don't know who that will be.

Please advise me what is being done to set up this trust. As a non-resident, Anthony M. O'Connell can act as Trustee only if a resident of Virginia qualifies with him or a Virginia resident is designated as an agent to receive notices and processes from the Court and the Commissioner of Accounts.

It is possible that an indemnification agreement can be worked out so the trust need not be funded, but this office should not advise you about such an agreement.

Very truly yours,


Robert J. McCandlish, Jr.
Commissioner of Accounts

RJM/jd

cc: Anthony M. O'Connell
6525 Clayton Avenue
St. Louis, Missouri 63139

Appointment

I was visiting my mother in Virginia and she showed me Robert McCandlish's letter to her of May 8, 1985, I called Robert McCandlish's and made an appointment to meet with him the following (?) day.

When I arrived and was about to enter his office, Jesse Wilson, who's was at a desk just before Robert McCandlish's office, stopped me and said that I was to see him instead of Robert McCandlish. So I talked with Jesse Wilson and not Robert McCandlish.

I don't understand why Jesse Wilson did not tell me what had to be done, such as file a final estate account transferring the residual estate to the testamentary trust. He only discussed the computation of the marital deduction; as if that were the problem. From that moment on, I, assuming Joanne Barnes could not be the source of a computation problem, assumed that the obstacle must be, to some degree, with my mother. I believed that until I found her "First thing is to have the final accounting" memo in her papers after her death in 1991.

The following two pages of computations in Jesse Wilson's hand are from that meeting.

$\$16,539.98$ passed directly outside of probate
 $90,650.27$ probate

 $107,190.25$ gross estate

~~8734.77~~

$98,455.48 \div 2 = 49,227.74$

~~16,593.88~~

$16,593.88$

 $\$32,633.86$

$107,190.25$ gross
 $- 4138.42$ expenses

 $103,051.83$ net $\div 2 = 51,525.92$

$- 16,593.88$

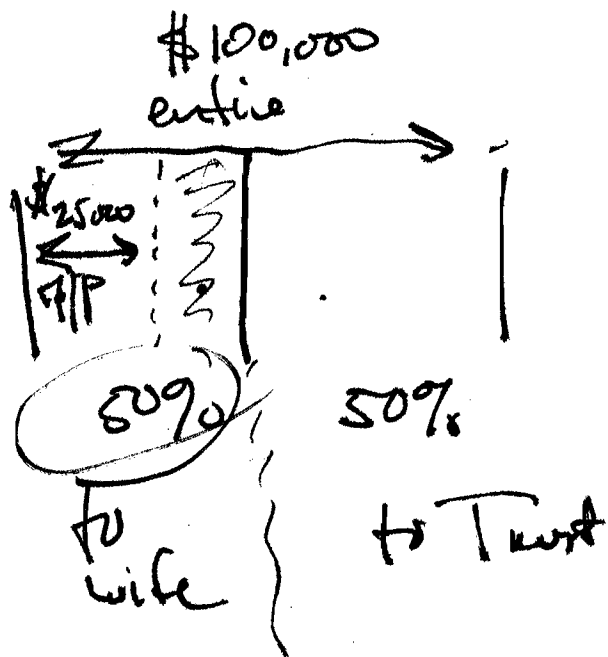
 $\$34,932.04$

~~103,051.83~~

$90,650.27$ probate est.
 $- 34,932.04$ share to wife

 $55,718.23$
 $4,596.31$ taxes

 $51,121.89$



Jean
O'Connell

~~So Kaiser-Hilton.~~

549-7800

To Ann -
My son Tony called. He said he wanted
very much to be the full trustee with an
agent to receive notices and processes from the
court & commissioner as in the May 8th letter.

~~about~~

First thing is to have the final
accounting based on same figures
as in the 1st accting.

Send it to me - do I have
to sign it,

call - will do draft if final accting.
deed to property - convey to court.
Needs how much

EDWARD J. WHITE
ATTORNEY AT LAW
118 SOUTH ROYAL STREET
ALEXANDRIA, VIRGINIA 22314
—
TELEPHONE 836-5444

June 26, 1986

Mrs. Jean O'Connell
6541 Franconia Road
Springfield, VA 22150

Re: Estate of Harold O'Connell

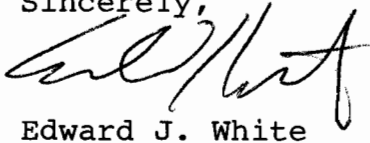
Dear Mrs. O'Connell:

At last, we are ready to file the Final Accounting in this case.

In order to spare you having to mail documents back and forth, I am notifying Jo Ann Barnes to begin the accounting and sending her a copy of the Agreement wherein your son and Mr. Higham acknowledge receipt of the Trust property.

Miss Barnes will contact you at the time your signature is needed.

Sincerely,



Edward J. White

EJW/mc

Wills

Wills for Jean O'Connell

Will of Jean M. O'Connell 1985.05.30

Co-executors are Anthony Miner O'Connell and Jo Ann Barnes. Prepared by Edward J. White.

PLEASE BE SURE TO DEDUCT CHARGES THAT AFFECT YOUR ACCOUNT

SUBTRACTIONS

ADDITIONS

BALANCE FORWARD

ITEM NO OR TRANSACTION CODE	DATE	DESCRIPTION OF TRANSACTION	AMOUNT OF PAYMENT OR WITHDRAWAL (-)	✓ OTHER DEDUCT	AMOUNT OF DEPOSIT OR INTEREST (+)	BALANCE FORWARD
		TO correction - 5-3 deposit	92		92.98	150 42
		FOR				92 98
807	5/30	TO White, Edward, lawyer	50	✓		2 92 98
		FOR new will.				50 -
808	5/30	TO Wash. Post. 4/14-6/9	17 20	✓		2 23 41
		FOR				17 20
	6/1	TO Annuity		✓	1526 65	2 06 21
		FOR				1526 65
809	5/31	TO Cash	100	✓		172 21
		FOR				100 -
810	7/3	TO Lumber Co. NCA FCC	3	✓		72 21
		FOR				3 -
811	6/3	TO Cash	100	✓		69 21
		FOR				100 -
812	6/3	TO Henderson	308 00	✓		58 21
		FOR				308 00
813	6/3	TO Bond for Am. Hort	20	✓		36 21
		FOR (due Jan 1 '85)				20 -
814	6/3	TO Va. Brewer	58 24	✓		16 21
		FOR				58 24
815	6/3	TO Public Citizen	10	✓		6 21
		FOR (Madon - Clarksburg)				10 -
816	6/8	TO Receipt	45	✓		1 21
		FOR				45 -

1985

Codicil to Will of Jean M. O'Connell 1985.09.20

Co-executors are Edward J. White and Jean Mary O'Connell-Nader.

Sell

EDWARD J. WHITE
ATTORNEY AT LAW
118 SOUTH ROYAL STREET
ALEXANDRIA, VIRGINIA 22314
—
TELEPHONE 836-5444

January 24, 1986

Mrs. Jean O'Connell
6541 Franconia Road
Springfield, VA 22150

Dear Mrs. O'Connell:

I spoke to Mr. Mackall on January 22nd as to the causes of the delay in obtaining the agreement from your son.

He stated that he had had several discussions with your son and they ironed out some minor details, and that the agreement being sent to Anthony to be signed on that date.

As soon as I receive it, I will review it and forward it to you for your signature. As soon as that is done, we can proceed to wrap up the rest of the Estate.

I spoke to Mr. John McEneaney of McEneaney & Associates, Realtors, and he will contact you concerning putting a value on your property.

Mr. McEneaney has been highly recommended to me by another appraiser, and the advantage of this approach is that you will not incur a large appraisal fee. However, there is no question that putting an appraisal price on this property will be most difficult in view of the numerous variables which might be encountered by a prospective buyer, especially zoning permits, etc.

I will be in touch with you as further developments occur.

Sincerely,



Edward J. White

EJW/mc

This asks mother to sell or list the trusts 46.0994%. This is a secret from the trustees.

This is, apparently, one benefit of the "Agreement" or "deed"

COMMON DATA BASE SERVICE
LISTING AGREEMENT - EXCLUSIVE RIGHT TO SELL

This Agreement made this 10th day of October, 1986, by and between Jean M. O'Connell

OWNER
and McEneaney Associates, Inc. REALTOR® (AGENT).
(Firm Name)

In consideration for services and facilities the REALTOR® (AGENT) is hereby granted the exclusive right to sell the property, which is known as

I later (1/7/89) got a sales contract on this same property for \$1,150,000, or \$78,231 per acre (based on 14.7 acres).
Legal Owner(s)
Legal Description

2

1. This property, to include any chattels as listed below, is offered for sale at a selling price of \$35,000.00 per acre
DOLLARS (\$) or such other price as later agreed upon, which price includes selling compensation.

2. The OWNER(S) agrees to pay to REALTOR® (AGENT) a compensation of 10% in cash if, during the listing period, the property is sold to anyone or if anyone produces a purchaser ready, willing and able to buy the property, or if within 10 days after the expiration of the listing agreement a sale is made to any person(s) to whom the property has been shown during the listing period. This last clause shall not be effective if the property is subsequently listed with another real estate broker. January 15, 1987

3. This exclusive right to sell will expire at midnight
This property shall be shown and made available to all persons without regard to race, color, creed, religion, national origin, sex, marital status, age or handicap. Authorization is granted to the REALTOR® (AGENT) to: a. Place a "For Sale" sign on the property and to remove all others. b. Show the entire property during reasonable hours. c. Place a common key lockbox on the property. d. Make a blanket unilateral offer of subagency to real estate brokers and to participants in any Multiple Listing Service that the REALTOR® (AGENT) deems appropriate. e. Disseminate information regarding real estate offered for sale, under contract for sale, sold, expired and/or withdrawn by printed form and/or electronic computer service.

5. It is understood that no Multiple Listing Service or Board of REALTORS® is a party to this listing agreement and that no Multiple Listing Service or Board of REALTORS® sets, controls, recommends, or suggests the amount of compensation for any brokerage service rendered pursuant to this listing agreement, whether by the listing broker or by any other broker acting as subagent or otherwise.

7. It is understood and agreed that Virginia licensed real estate salespersons and appraisers, inspectors, or other persons may require access to the property to facilitate and/or consummate a sale.

8. The OWNER(S) retains full responsibility for the property, including all utilities, maintenance, physical security and liability during the term of this Agreement.

9. The OWNER(S) understands and agrees that in consideration of the use of REALTOR® (AGENT) services and facilities and of the facilities of any REALTORS® Multiple Listing Service OWNER(S) and OWNER(S) heirs and assigns agree that REALTOR®, all agents accompanying purchasers or prospective purchasers, any REALTORS® Multiple Listing Service, and the directors, officers and employees thereof, including officials of any parent Board of REALTORS®, except for malfeasance on the part of such parties, are not responsible for vandalism, theft or damage of any nature whatsoever to the real property or its contents during the period of exclusive privilege to sell, and that OWNER(S) waives any and all rights, claims, and causes of action against them and holds them harmless for any property damage or personal injury arising from the use of or access to the property by any person during the listing period.

10. The property may be sold subject to existing Deed(s) of Trust, having an unpaid principal balance of approximately \$ none

11. OWNER(S) will take back a w/c Deed of Trust in the amount of \$ with further terms to be negotiated.

12. In the event of a sale, OWNER(S) will execute a sales contract enforceable in the Commonwealth of Virginia. Condominiums or Cooperatives being offered for sale are subject to the receipt by purchasers of the required Disclosures, and OWNER(S) is responsible for securing and furnishing these to prospective purchasers as prescribed in the Cooperative Act, Section 55 - 424 Et. Seq. of the Condominium Act, Section 55 - 79.39 Et. Seq. of the Code of Virginia (1950 AS AMENDED).

13. The terms and conditions of this Agreement may be used as a basis for presenting the property to prospective purchasers, and, unless amended in writing, contain the final and entire agreement between the parties hereto. The parties shall not be bound by any terms, conditions, oral statements, warranties or representations, not herein contained.

Seen and agreed and receipt of a signed cc

This asks mother to list or contract to sell the trust's 46.0994% ownership in one parcel. If mother had signed it, the resultant legal and accounting entanglements would allow the operation to control both parcels of real estate. The trustees would think mother was at fault (not knowing she was advised of later non-taxable exchange.. and...exchange all or part of an interest...) and mother would think son was at fault (unless the operation changed that pattern). All this is a secret from the trustees. The operation would be covered by the "Agreement" or "deed".

REALTOR® (AGENT)

MAILING ADDRESS
(Owner's)

ager)

PHONE (OFFICE)

PHONE (OFFICE)

PHONE (HOME)

PHONE (HOME)

Mc Eneaney.

No return address. If there was a second page, I couldn't find it in mother's papers. Mother apparently found it necessary to identify the letter by writing *McEneaney* on it. I found no other letters in which she did this.

1

October 14, 1986

Mr. Edward J. White
118 S. Royal Street
Alexandria, Va 22314

*I spoke to Mr. McEneaney & Associates, Realtors, and he will contact you concerning putting a value on your property.....Mr. McEneaney has been highly recommended to me by another appraiser,.... Lawyer's 1/24/86.
(See Entanglement Converging on January 24-31, 1986.)*

Dear Mr. White,

As we discussed this morning my plan for marketing Mrs O'Connell's property is to first approach the purchaser of Mrs. Hunter's two hundred and forty five acres immediately south of lot #17. My purpose in suggesting the selling price of thirty five thousand dollars per acre is to permit me to offer the O'Connell property under the same terms and conditions as he purchased the Hunter tract. If he is not interested then we will probably have to adjust the selling price.

My next step would be to approach Miller & Smith, the developers of Amberleigh. They are presently involved in the development of Kingstowne and I don't know what their plans are to expand Amberleigh - if at all.

What is critical at this point is to prevent lot #17 from becoming land-locked when the Hunter property is rezoned. No action to change the present zoning R-1 on the Hunter has been initiated as yet, and I intend to contact Supervisor Alexander before that takes place.

There is both a north-south and east-west sewer line on lot #17 with four taps. This is very helpful, but the property is also one third flood plain.

All of these facts will probably enter into the final sale price of the property.

I will keep you apprised of any and all developments as they occur. 199

“Deed”

“Deed”

“Deed” – “Agreement” - “Receipt” – “ ... title to residual estate ...”

“At that point [“Agreement”] the trust will be funded and the responsibility for filing accounts and inventories will be that of the Trustees.”

~~So Kaiser-Hilton.~~

549-7800

To Ann -
My son Tony called. He said he wanted
very much to be the full trustee with an
agent to receive notices and processes from the
court & commissioner as in the May 8th letter.

~~about~~

First thing is to have the final
accounting based on same figures
as in the 1st accounting.
Send it to me - so I have
to sign it.

call - will do draft if final accounting.

deed to property - convey to court.

Needs how much

~~SAVE~~
in establishing a

RE Est of HACC

45,325.00

In answer to your letter of May 8, 1985 regarding progress
~~the~~ trust to be setup required by the will with Anthony
O'Connell as Trustee I would like to report that a ^{co-}Trustee has
agreed to serve with him

Ms. Jo Anne Berner
^{Home address}
7225 Pine Dr. }
Annandale, Va 22003
354-0673
549-7800 - office } office

~~I~~ She will be working on this very soon
with a lawyer. I had hoped that the procedure
of setting up a trust could be simplified by instead
putting title to ~~the~~ ^{the} ~~residual~~ ^{my home} estate in the names of
my three children ~~the~~ the same as listed in
the will to receive it.

There should be more definite progress
soon and I will inform your office then.

VT

J M O C Extra

Sent
5/31/85

To Commissioner of Accts.

Sent 5/31/85

Oak Grove
6541 Franconia Road - Springfield, Va. 22150

May 30, 1985

Commissioner's Office of Accts.

Fairfax, Va.

Dear Sir, Re: Estate of Harold S. O'Connell

In answer to your letter of May 8th regarding progress in establishing a trust required by the will with Anthony M. O'Connell as trustee I would like to report that a co-trustee has agreed to serve with him. She is:

Mrs Jo Ann Barnes (Home address 7225 Pine Drive, Annandale, Va. 22003 Tel. 3540673. Office phone 549-7800.) She will be working on this soon with a lawyer.

I had hoped that the procedure of setting up a trust could be simplified by putting title to the "Residuary Estate" (my home) in the names of my three children as listed in the will to receive it.

There should be more definite
progress soon and I will inform
your office then.

Very truly yours

Sean M. O'Connell, Esq.

EDWARD J. WHITE
ATTORNEY AT LAW
118 SOUTH ROYAL STREET
ALEXANDRIA, VIRGINIA 22314
TELEPHONE 836-5444

January 27, 1986

Mrs. Jean M. O'Connell
6541 Franconia Road
Springfield, Va 22150

Re: Estate of Harold A. O'Connell

Dear Mrs. O'Connell:

At long last we have a signed Agreement concerning the funding of the Trust. The Agreement is enclosed.

The only difference between this Agreement and the previous agreement which I had drafted is the change in the percentage of ownership between you and the Trusts. Originally, Ms. Barnes had computed the ownership of the Trust at 43.525. She and Mr. Mackall and I now agree that the figures should be 46.0994. The Agreement also contains a provision in paragraph 5 that if the property is sold during your life, that you will be reimbursed for the principal of all real estate taxes on that property.

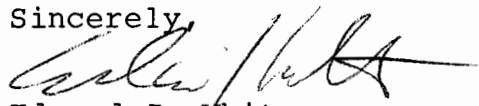
Mr. O'Connell was unwilling to agree to pay interest on the real estate tax advancements. While I am at a loss to understand his attitude, I am of the opinion that we would be best served by signing the Agreement as is.

Ms. Barnes has computed that through 1984 you paid taxes in the amount of \$13,841.24.

Please sign the Agreement and return it to me as soon as possible, and I will forward it to Mr. Mackall for the Co-Trustees' signature and filing with the Commissioner of Accounts. At that point the trust will then be funded and the responsibility for filing accounts and inventories will be that of the Trustees.

We can then have Ms. Barnes complete the final accounting for the Estate and the matter will be closed.

Sincerely,


Edward J. White

EJW/mc
Enclosures

AGREEMENT

THIS AGREEMENT, made this 28 day of Jan., 1986 by and between JEAN M. O'CONNELL and ANTHONY M. O'CONNELL and HERBERT ANDERSON HIGHAM, Trustees, provides:

WHEREAS, under the Will of the late HAROLD A. O'CONNELL, which Will has been admitted to probate among the records of the Circuit Court of Fairfax County, certain property was left to ANTHONY M. O'CONNELL, Trustee, upon the terms and conditions of the Trust set forth in the aforesaid Will;


WHEREAS, ANTHONY M. O'CONNELL is not a resident of the Commonwealth of Virginia and HERBERT ANDERSON HIGHAM has qualified as Co-Trustee in this case;

WHEREAS, the corpus of the Trust, as presently constituted, consists of a 46.0994 percent ownership of two parcels of real estate located in Fairfax County, Virginia, the first being known as 6541 Franconia Road, and is the residence of JEAN M. O'CONNELL, the second being fifteen (15) acres of land located in Accotink Station, identified as Map Reference number 090-4-01-0017;

WHEREAS, it is the desire of the parties to fund the Trust as set forth in the Will and to provide security for JEAN M. O'CONNELL, and stability for the Trust;

IT IS HEREBY AGREED that in return for mutual promises as consideration for this agreement, the parties agree to the following:

1. The Co-Trustees, by their signatures hereupon, acknowledge receipt of the 46.0994 percent ownership of the two parcels referred to above.
2. JEAN M. O'CONNELL hereby agrees that she is the owner of the remaining 53.9006 percentage interest of the two parcels referred to above.

3. JEAN M. O'CONNELL hereby agrees that she will at all times pay the real estate taxes and other costs of maintaining these two parcels of property. 

4. The Trustees hereby agree that during the life of JEAN M. O'CONNELL, they will not sell or attempt to sell by partition or otherwise, either of the two tracts of property without the written permission of JEAN M. O'CONNELL.

5. The Trustees agree that if either property is sold during the life of JEAN M. O'CONNELL she will be reimbursed from the sale proceeds the principal of all real estate taxes on that property paid by her which are attributable to the percentage ownership of the Trust.

In all other respects, the parties hereto agree that they are bound by the terms of the Will and Trust established therein.

Jean M. O'Connell
JEAN M. O'CONNELL

Anthony M. O'Connell
ANTHONY M. O'CONNELL

Herbert Anderson Higham
HERBERT ANDERSON HIGHAM

Exchange

later non-taxable exchange.

BRUNER, KANE & MCCARTHY, LTD.
A PROFESSIONAL CORPORATION
CERTIFIED PUBLIC ACCOUNTANTS
300 NORTH LEE STREET
POST OFFICE BOX 1250
ALEXANDRIA, VIRGINIA 22313

MEMBERS
AMERICAN INSTITUTE OF
CERTIFIED PUBLIC ACCOUNTANTS

ARTHUR J. BRUNER, C. P. A.
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DANIEL F. MCCARTHY, C. P. A.
WILLIAM H. ROBERTS, C. P. A. (1977-1978)
JOANNE L. BARNES, C. P. A.
CHARLES W. BALLOU, C. P. A.

(703) 549-7800

August 16, 1985

Mrs. Jean M. O'Connell, Executrix
Estate of Harold M. O'Connell
6541 Franconia Road
Springfield, Virginia 22150

Re: Estate of Harold M. O'Connell

Dear Mrs. O'Connell:

Your son requested that I furnish him copies of the Court Accountings that had been filed for the Estate. I have sent them on to him today. I am also enclosing a copy of the schedule which I believe reflects the fraction of the estate's one-half interest in each property to which you and the Trust are entitled.

If the transfers are made in these percentages, you would then own 56.475% of each property (50% owned individually plus 12.95% of one-half interest of the estate) and the Trust would own 43.525% of each property. If you and the Trust chose at some time in the future to exchange all or part of an interest in a property, I believe it should be done based on the then current fair market value of the properties. In such case, I would recommend that you have the properties appraised by a qualified real estate appraiser.

With regards to your request that I serve as co-trustee of the Trust with your son, I regret that I must decline to be either co-trustee or act as agent to receive notices and processes for him.

Please call me and we can discuss this further.

Very truly yours,


Joanne L. Barnes

JLB:jsp

cc: Mr. Anthony M. O'Connell
2337 South Thirteenth Street
St. Louis, Missouri 63104

EDWARD J. WHITE
ATTORNEY AT LAW
118 SOUTH ROYAL STREET
ALEXANDRIA, VIRGINIA 22314
—
TELEPHONE 836-5444

October 29, 1985

Henry C. Mackall, Esquire
4031 Chain Bridge Road
Fairfax, VA 22030

Re: Jean M. O'Connell-
Anthony M. O'Connell Trust

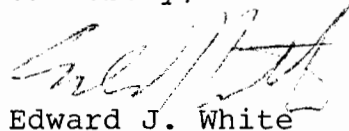
Dear Mr. Mackall:

Enclosed is an Agreement along the lines of that discussed by us previously, which my client has signed.

Ms. Jo Ann Barnes, of Bruner, Kane & McCarthy Accountants, previously has furnished Mr. O'Connell with the numerical data which explains the derivation of the percentages reflected in the Agreement.

If you have any additions or corrections to it, please let me know.

Sincerely,



Edward J. White

EJW/mc

Enclosures

Lawyer Fix

Bond fee - Lawyer fee as
bond pd when sold.
nominal amt now.

Clerk 691-2224 . 71st d

691-4193 - give

fiduciary no. 21840

Procedura

(Come in - surety bond -)

(Do resided with)

Fatty Moato.

good man



Newry Muckall
Interest transferred
to trustee
Main thing - go ahead
showing % go in interest
Not there to be co-trustee?

James Muckall -
Wanted you to know
about the house

leave to son -
lawyer & commissioner

qualify

qualify trustee

Equelization Bd.
691-3213

will call when get
another date open

Clark 691-2224

691-4193 - give

judiciary no. 21840

(Procedura
Come in - security bond -)
(be resident with)
Patty Mooto. f)

Bond fee - Lawyer fee so
bond pd when sold.
nominal amt now.

qualifying

look over carefully. I call for
the trustee's questions
trust - lawyer

later non-taxable exchange

EDWARD J. WHITE
ATTORNEY AT LAW
118 SOUTH ROYAL STREET
ALEXANDRIA, VIRGINIA 22314

TELEPHONE 836-5444

April 25, 1986

Henry C. Mackall, Esquire
4031 Chain Bridge Road
Fairfax, VA 22030

Re: Estate of Harold M. O'Connell

Dear Mr. Mackall:

Enclosed is the draft by Ms. Barnes of the Final Account-
ing.

I have taken the liberty of correcting a typographical error
on the distributions to reflect 53.9006% vice 3.9006%.

I would appreciate it if you would forward this to
Mr. O'Connell and clarify with him his intention to qualify on
May 1st.

If he does not agree or requests further delaying tactics, I
feel that I have no other recourse in serving my client than to
seek to have him removed as a Trustee. This matter is costing
Mrs. O'Connell dearly with the delay.

Sincerely,


Edward J. White

EJW/mc

Enclosure

cc: Mrs. Jean O'Connell ✓

C
O
P
Y

V I R G I N I A :

COMMISSIONER OF ACCOUNTS
CIRCUIT COURT OF FAIRFAX COUNTY

RE: Harold A. O'Connell Estate
FIDUCIARY NO: 21840

QUALIFICATION DATE: June 18, 1975

SUMMONS

TO THE SHERIFF OF _____ COUNTY OF FAIRFAX
STATE OF VIRGINIA, GREETINGS:

WHEREAS,

Jean M. O'Connell
6541 Franconia Road
Springfield, VA 22152

qualified on the above date as fiduciary of the above-referenced matter and has failed to make certain filings with the Commissioner of Accounts as required by law as more particularly set forth below;

THEREFORE, you are hereby directed to summons said fiduciary to present before me, within thirty (30) days from the date of the service of this summons, the following:

A proper Accounting accompanied by the required fee and vouchers.

GIVEN under my hand in Fairfax County, Virginia, this

22nd day of July, 1986.



(Deputy) Commissioner of Accounts

NOTICE TO THE FIDUCIARY:

The fee for this summons is \$25. Checks should be made payable to "Commissioner of Accounts". This fee is chargeable to the Fiduciary and not the Estate.

pd 8-6-86

Executed in Fairfax County, Virginia, this
24 day of July, 1912, 1022 A.M.,
by POSTING a true copy of the within mentioned
papers on the front door of the usual place of abode of
Leah M. O'Connell
neither...She nor any member of the family over
sixteen years of age being found there.

M. WAYNE HUGGINS, SHERIFF

By W. Milton 241 (7)
Deputy Sheriff